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## Congress of the United States

### House of Representatives

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March 1, 2010

**0303**

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Genachowski:

As the Commission begins its 2010 quadrennial media ownership review, it should accelerate consideration of modifications to the newspaper/broadcast cross-ownership rule and revise the rule so that a proposed combination may be approved when the number of competing voices present in the community after the combination is sufficient to ensure the voicing of contrasting views on major issues.

We commend you and the Commission staff for holding workshops, beginning last year, on the FCC's media ownership rules. It is our understanding, however, that the Commission may formally commence its 2010 media ownership review with a Notice of Inquiry (NOI) rather than a Notice of Proposed Rulemaking (NPRM). Only after evaluating comments and reply comments on questions raised in the NOI would the FCC issue an NPRM regarding the rules themselves.

While we fully appreciate the desire to review all of the Commission's ownership rules together, a different approach for the newspaper/broadcast cross-ownership rule is warranted. It is no secret that newspapers and broadcast stations continue to struggle financially.

When the Commission considered the newspaper/broadcast cross-ownership rule during its 2002 media ownership review, it determined that this 1975 rule could no longer be justified, and it specifically found that the rule harms the production of local news content in markets of all sizes. However, the Commission's resulting 2003 repeal of the rule remains incomplete. Today, we are in essentially the same regulatory posture as 1975, except that today, both the Federal Communications Commission and the Federal Trade Commission have taken notice of the deteriorating state of our media and are considering what measures may be appropriate to save journalism. The volumes of data already elicited by the Commission make clear that the

The Honorable Julius Genachowski  
March 1, 2010  
Page 2

newspaper/broadcast cross-ownership rule harms localism and hinders the crucial goal of maintaining an informed citizenry.

These considerations suggest that the Commission should separate its consideration of the newspaper/broadcast cross-ownership rule from the rest of the 2010 media ownership review and move directly to a NPRM on the newspaper/broadcast cross-ownership rule, so that evaluation of it can proceed as quickly as possible.

We suggest that the Commission release an NPRM that would permit newspaper/broadcast cross-ownership as long as the number of competing voices present in the community after approval of the combination is sufficient to ensure the voicing of contrasting views on major issues. The Commission should also preserve all existing waivers and grandfathers of the newspaper/broadcast cross-ownership rule.


Proceeding directly to an NPRM on this rule is not an action that will deny interested parties a chance to thoroughly vet the rule. An NPRM regarding the newspaper/broadcast cross-ownership rule would be subject to standard Commission procedures, including the usual cycle of comments and reply comments and *ex parte* meetings and submissions.

It is time for the Commission, under your leadership, to move forward on this matter and to do so without the delay that would be occasioned by an NOI. We look forward to receiving your response by April 1, 2010, and to working with you and your colleagues to advance our shared goals of preserving journalism and localism.

Sincerely,



Rick Boucher  
Member of Congress



Cliff Stearns  
Member of Congress

Cc: The Honorable Michael Copps  
The Honorable Robert McDowell  
The Honorable Mignon Clyburn  
The Honorable Meredith Baker



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 10, 2010

The Honorable Rick Boucher  
Chairman  
Subcommittee on Communications, Technology  
and the Internet  
Committee on Energy and Commerce  
U.S. House of Representatives  
316 Ford House Office Building  
Washington, D.C. 20515

Dear Chairman Boucher:

Thank you for your letter regarding the Commission's 2010 Quadrennial Review of its broadcast ownership rules and policies. I appreciate hearing from you on this important issue, and understand your concern about the delays in addressing the newspaper/broadcast cross-ownership rule.

I, too, believe that the Commission's review of its broadcast ownership rules and policies, including the newspaper/broadcast cross-ownership rule, should be conducted in a timely manner. While the Commission has made prior findings related to the newspaper/broadcast cross-ownership rule, I want to invite your attention to some compelling reasons for the Commission to evaluate each of the broadcast ownership rules concurrently in a single proceeding.

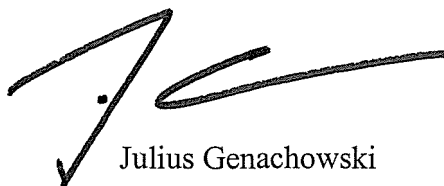
The Commission's staff has made a strong case that local broadcast ownership rules are interrelated and are designed in aggregate to promote competition, localism, and diversity in the local media marketplace. A change to one local ownership rule could affect the retention, modification, or elimination of another rule. I am hopeful that a comprehensive evaluation of the ownership rules will facilitate consistent analysis of policy questions that are common to a number of the rules, and enable the Commission to avoid sequential decisionmaking that could predetermine or preclude particular approaches in other areas.

I would note, as well, that a majority of the current Commissioners did not participate in the 2002 *Biennial Review* or the 2006 *Quadrennial Review* of the broadcast ownership rules. By allowing the newer Commissioners an opportunity to consider the broadcast ownership rules – including the newspaper/broadcast cross-ownership rule – holistically, I am confident that this Commission can craft an ownership regulatory regime that will address the evolving media landscape and resist weaknesses that marred previous reviews. Even taking this broader tack, it is my intention for the Commission to conduct its work expeditiously and conclude the 2010 Review as early as possible.

Page 2—The Honorable Rick Boucher

I look forward to working with you and other Members of Congress as the Commission reviews its broadcast ownership rules and policies. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line and a small flourish.

Julius Genachowski



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 10, 2010

The Honorable Cliff Stearns  
Ranking Member  
Subcommittee on Communications, Technology  
and the Internet  
Committee on Energy and Commerce  
U.S. House of Representatives  
2370 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Stearns:

Thank you for your letter regarding the Commission's 2010 Quadrennial Review of its broadcast ownership rules and policies. I appreciate hearing from you on this important issue, and understand your concern about the delays in addressing the newspaper/broadcast cross-ownership rule.

I, too, believe that the Commission's review of its broadcast ownership rules and policies, including the newspaper/broadcast cross-ownership rule, should be conducted in a timely manner. While the Commission has made prior findings related to the newspaper/broadcast cross-ownership rule, I want to invite your attention to some compelling reasons for the Commission to evaluate each of the broadcast ownership rules concurrently in a single proceeding.

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Page 2—The Honorable Cliff Stearns

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Julius Genachowski